

## **EXHIBIT B**



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September 19, 2023

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**VIA EMAIL**

David A. Boag, Esq.  
BOAG LAW, PLLC  
447 Broadway, Suite 2-270  
New York, NY 10013

**Re: True Return Systems LLC v. MakerDAO, No. 22-cv-8478 (VSB)**

Dear David:

I write in response to your letter dated September 13, 2023, which demanded that MakerDAO provide information pursuant to Local Civil Rule 26.1.

True Return Systems's demand is misplaced. As you know, MakerDAO contends that TRS has not served the summons and complaint on MakerDAO because TRS failed to comply with the requirements of the order permitting service by alternative means. Absent service of the summons and complaint, TRS's demand for information pursuant to Local Civil Rule 26.1 is an inappropriate attempt to obtain prelitigation discovery. *Ting Qui Qui v. Shanghai Cuisine, Inc.*, 2020 WL 8678078, at \*4 (S.D.N.Y. July 13, 2020). Furthermore, MakerDAO does not have information under Local Civil Rule 26.1 with respect to "partners or members, as well as the state or other jurisdiction of its formation."

The *inter partes* review petition filed by DeFi Education Fund is irrelevant to TRS's demand for information pursuant to Local Civil Rule 26.1. To the extent TRS would like to obtain information about the "identity of the 'petitioner,'" as you put it, TRS should seek discovery of such information in the IPR. Using this action against MakerDAO as a means to obtain discovery for use in DeFi Education Fund's IPR would be improper.

In view of your references to "DeFi Education Fund," its IPR petition, and "anonymous or semi-anonymous submissions to the Court," MakerDAO would like to be clear about some facts:

MakerDAO was not involved in the preparation of DeFi Education Fund's IPR petition and is not a real party in interest or privy of DeFi Education Fund.

By "anonymous or semi-anonymous submissions to the Court," MakerDAO understands that you are referring to letters filed with the Court using the names "@makerDAOdai" and

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“@TeamMaker.” Those letters were filed without MakerDAO’s knowledge or involvement, and MakerDAO has no knowledge of the people or entities associated with those names.

Sincerely,

/s/ Gene Lee

Gene W. Lee

GWL:gwl